



**US Army Corps
of Engineers®**

Public Notice

Public Notice No. **04-28**

Date: **May 3, 2004**

Nashville District

Application No. **53190-00**

Please address all written responses, by June 3, 2004, to:

Nashville District Corps of Engineers, Regulatory Branch

3701 Bell Road, Nashville, TN 37214

Attn: Lisa Morris, Telephone 615/369-7504, Fax 615/369-7501

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Barge Maintenance and Repair Terminal Located Between Tennessee River Miles 4.3 and 4.7, Left Bank

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**.

APPLICANT: McGinnis, Inc.
d/b/a National Maintenance and Repair of Kentucky
PO Box 534
South Point, OH 45680

LOCATION: Tennessee River Miles 4.3 to 4.7, Left Bank, McCracken County, Kentucky. The site is located in Paducah, KY, off Highway 66/62/68 East, just upstream the mouth of the Clarks River. (Quad— Paducah East, KY-IL; lat 37-02-71, lon 88-32-33; Navigation Chart #1).

DESCRIPTION: The proposed work consists of using nine existing deadman chain anchors to moor a 1,890-foot long string of shore barges of varying lengths and widths. Access to these barges would be via a 26' x 120' deck barge and ramp to the existing service road and parking area. The existing area is currently permitted to James Marine, Inc. for barge fleeting (two fleets, 3 and 4 barges long x 5 barges wide, total riverward projection is 175'). Riverward of the proposed string barges would be 3 dry docks, a dry cargo barge cleaning area, a gas free plant area, and midstream fueling operations. Both dry cargo and red flag barges would be moored at the site while awaiting either cleaning and/or repair. Maximum riverward projection of the proposed operation would be 260'. Plans of the proposed work are attached.

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The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested permits.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

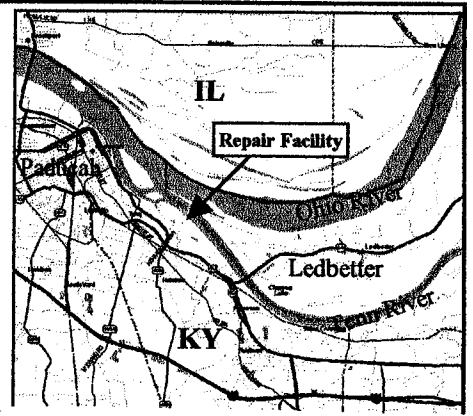
Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

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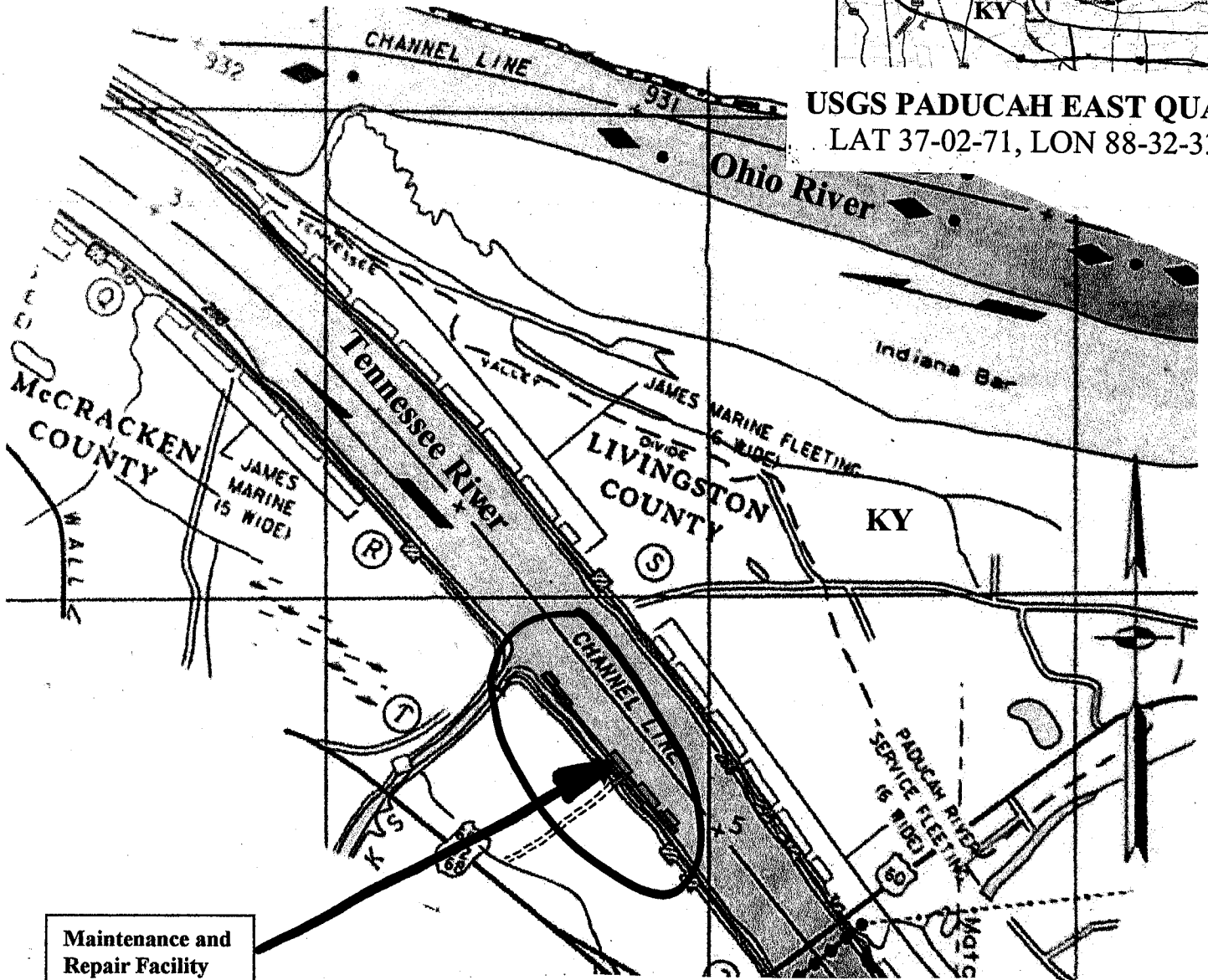
In addition to the DA and TVA permits, other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **June 3, 2004**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone (615) 369-7504.

It is not necessary to comment separately to TVA since copies of all comments will be sent to TVA to become part of their records on the proposal. Point of contact with TVA is Rachel Terrell, PO Box 280, Paris, TN 38242, telephone (901) 642-2002.



USGS PADUCAH EAST QUAD
LAT 37-02-71, LON 88-32-33



TENNESSEE RIVER NAVIGATION CHART NO. 1
LOCATION MAP

Scale 1"=2000'

Applicant

McGinnis, Inc.
P.O. Box 534
South Point, OH 45680

National Maintenance
and Repair of Kentucky

Location and Vicinity
Tennessee River Mile 4.3 to 4.7 LDB

Agent

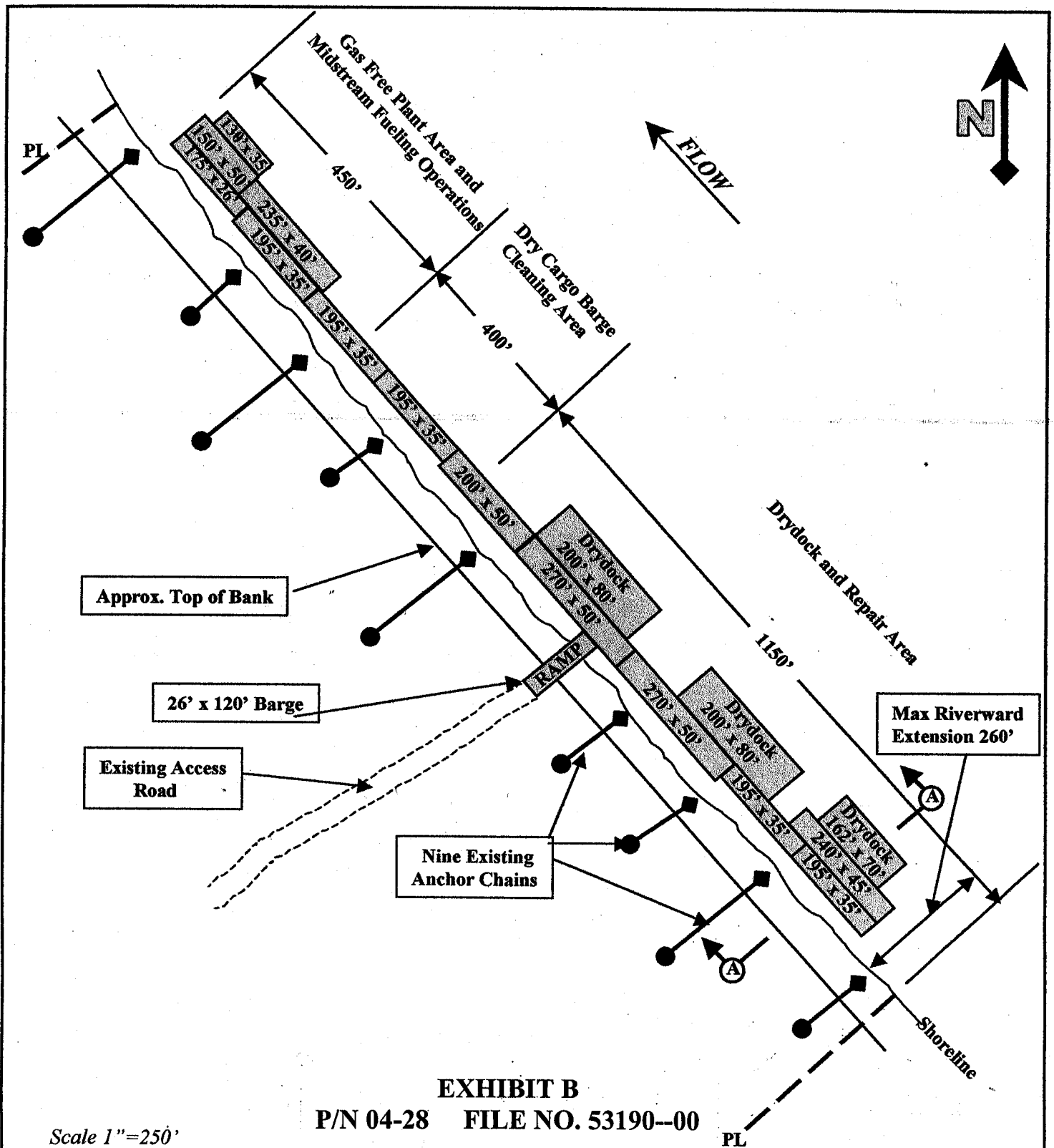
XCorps, LLC
P.O. Box 144
Cincinnati OH 45201
859-586-0231

EXHIBIT A

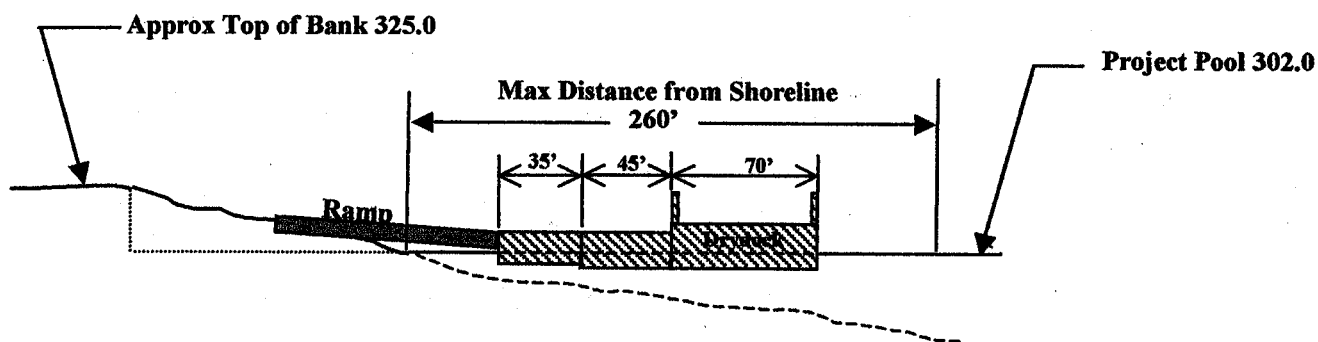
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<p><u>Applicant</u></p> <p>McGinnis, Inc. P.O. Box 534 South Point, OH 45680</p>	<p><u>National Maintenance and Repair of Kentucky</u></p> <p>PLAN Tennessee River Mile 4.3 to 4.7 LDB</p>	<p><u>Agent</u></p> <p>XCorps, LLC P.O. Box 144 Cincinnati OH 45201 859-586-0231</p>
		<p>15 April 2004 Sheet 2 of 3</p>



Scale 1"=100'

Notes:

Spuds will be used to help stabilize the plant.

Upstream Property Owner: James Marine Inc., 4540 Clarks river Rd., Paducah KY, 42003

Downstream Property Owner: Jim Smith Construction Co., 1114 Dover Rd., Grand rivers KY, 42045

EXHIBIT C
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<p><u>Applicant</u></p> <p>McGinnis, Inc. P.O. Box 534 South Point, OH 45680</p>	<p align="center"><u>National Maintenance and Repair of Kentucky</u></p> <p align="center">Section A - A Tennessee River Mile 4.3 to 4.7 LDB</p>	<p><u>Agent</u></p> <p>XCorps, LLC P.O. Box 144 Cincinnati OH 45201 859-586-0231</p>	
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